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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
ROBERT S. BRAND, RN	:	
License # 26NO09720400	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>June 20, 2016</u> )
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

### FINDINGS OF FACT

1. Robert S. Brand ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. Respondent resides in Florida and also holds a license to practice as a Registered Nurse in the State of Florida. By Order filed December 16, 2014, the Florida Board of Nursing accepted Respondent's voluntary relinquishment of his license, construed as a disciplinary action, after the Board filed an Administrative Complaint charging Respondent with unprofessional conduct (allegations of diversion of propofol and hydromorphone). The Voluntary Relinquishment signed by Respondent advised that licensing boards in other states may impose discipline in their jurisdictions based upon the discipline taken in Florida. (Exhibit B).

3. The Board received no notification from Respondent that he was the subject of a voluntary license surrender, disciplinary action, or order by another state board.

### CONCLUSIONS OF LAW

Respondent's authority to engage in nursing in another state has been relinquished and disciplined for reasons consistent with New Jersey's grounds for discipline. Pursuant to N.J.S.A. 45:1-21(g), and as advised in the Voluntary

Relinquishment signed by Respondent, his New Jersey license is thus subject to discipline as well.

Additionally, pursuant to N.J.A.C. 13:37-5.9 (the Self-Reporting regulation), a licensee shall immediately notify the Board if he is the subject of any voluntary license surrender, disciplinary action, or order by any state board. Respondent failed to self-report the Florida board action to the New Jersey Board. Accordingly, the Board finds Respondent has failed to comply with a regulation administered by the Board, and is thus also subject to discipline within the intendment of N.J.S.A. 45:1-21(h).

Lastly, the Board finds, as a condition for reinstated licensure, that testing and monitoring is warranted to evaluate whether continued practice may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f), and that treatment may be necessary to properly discharge the functions of a licensee pursuant to N.J.S.A. 45:1-22(e).

ACCORDINGLY, IT IS on this 12<sup>th</sup> day of January, 201~~5~~<sup>6</sup>, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent's license to practice nursing is suspended until further Board Order and until Respondent's license is reinstated in Florida. Prior to any reinstatement in New

Jersey, Respondent shall appear before the Board and demonstrate fitness and competency to the satisfaction of the Board.

2. Prior to reinstatement, Respondent shall undergo a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery and Monitoring Program (RAMP), and shall gain RAMP's support for reinstatement.

3. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that he may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceeding.

4. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

5. A reprimand is imposed on Respondent for failing to self-report another state's board action.

6. Respondent is assessed a civil penalty in the amount of five hundred (\$500). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment

will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a **Final Order of Discipline**. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

7. Respondent shall refrain from practicing as a nurse and shall not represent himself as a Registered Professional Nurse until such time as his license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

8. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to State Board of Nursing, Attention: Leslie Burgos, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

9. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

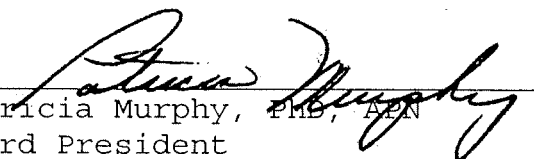
10. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

11. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board

review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APRN  
Board President